

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 13, 2023

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 13, 2023, at 10:00 a.m., in Council Chambers, with the following present:

Michael H. Vincent	President
John L. Rieley	Vice President
Cynthia C. Green	Councilwoman
Douglas B. Hudson	Councilman
Mark G. Schaeffer	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

The Invocation and Pledge of Allegiance were led by Mr. Vincent.

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 276 23
Approve
Agenda**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to approve the Agenda as presented.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Minutes

The minutes from June 6, 2023, were approved by consensus.

**Corre-
spondence**

Mr. Moore read letters received from Georgetown Elementary Robotics Club, Rehoboth Summer Childrens Theatre and First State Community Action Agency thanking Council for their support.

**Public
Comments**

There were no public comments.

**M 277 23
Approve
Consent
Agenda**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to approve the following items under the Consent Agenda:

- 1. Use of Existing Sewer Infrastructure Agreement, Sussex Shores Water Company (Plant #2), Cedar Neck Area**
- 2. Use of Existing Sewer Infrastructure Agreement, IUA S-18-96 Orchard Plaza, West Rehoboth Area**

M 277 23
Approve
Consent
Agenda
(continued)

- 3. Use of Existing Sewer Infrastructure Agreement, IUA S-18-94
Tranquility at Breakwater, West Rehoboth Area**
- 4. Proclamation Request – Selbyville Fire Company 100th Anniversary**
- 5. Proclamation Request – Delaware State Police 100th Anniversary**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

LAB
Appoint-
ment

Mr. Lawson reported that there is a vacancy on the Library Advisory Board in District 2 due to a resignation. Mrs. Green would like to appoint Ms. Sandy Winterbottom to fill the vacancy.

M 278 23
Approve
Library
Advisory
Board
Appoint-
ment

A Motion was made by Mrs. Green, seconded by Mr. Hudson, be it moved that the Sussex County Council approves the appointment of Ms. Sandy Winterbottom to the Library Advisory Board effective immediately until June 2026.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Disposition
of County
Owned
Property

Mr. Lawson discussed disposition of County owned property adjacent to the Delmarva Christian School in Georgetown for Council's consideration.

The County acquired the property in 2008 for the purpose of any potential airport expansion. In 2021, Sussex County and the Delaware Department of Transportation (DelDOT) entered into an agreement to allow DelDOT to acquire nearly 10 acres of the property for the purpose of the Park Avenue realignment. Currently, that road construction is taking place.

Officials with Delmarva Christian School approached the County about the potential purchase of 10 acres adjacent to their current campus. The land is needed for the school's expansion plans. The property appraised at a fair market value of eight thousand dollars per acre.

Per the County Property Disposition Policy, County Directors were asked if they had a need for the property and they do not. In addition, the Airport Manager was contacted to ensure that this property was not needed for the airport expansion.

M 279 23

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, be it moved

**Approve
Disposition
of County
Property**

that the Sussex County Council approves the disposition of a certain portion of land consisting of approximately 10 acres more or less located on Zoar Road, south of Georgetown identified as Tax Map Parcel No. 135-20.00-31.00 as presented today.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Adminis-
trator's
Report**

Mr. Lawson read the following information in his Administrator's Report:

1. Five Points Transportation Study – Public Open House

The Delaware Department of Transportation (DelDOT) invites you to the Five Points Transportation Study Public Open House on Wednesday, June 14, 2023, from 4 p.m. to 6 p.m. at the Cape Henlopen High School Cafeteria, located at 1250 Kings Highway, Lewes, DE 19558. The team will provide a review of the 2022 Five Points Transportation Study Annual Report and share the schedule for the remainder of the calendar year. A presentation will be held at 4 p.m. and repeated at 5 p.m. The presentation and all related workshop documents, including comment forms, will be posted online at <https://publicinput.com/t6338>.

2. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Egret Shores – Phase 1 (Construction Record) received Substantial Completion June 1st.

3. Holiday Schedule

County offices will be closed on Monday, June 19th, in observance of Juneteenth. Offices will reopen on Tuesday, June 20th.

[Attachments to the Administrator's Report are not attached to the minutes.]

**Old
Business/
CU2323**

Under Old Business, Mr. Whitehouse presented a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A TREEHOUSE AND YURT TO BE UTILIZED FOR SHORT-TERM RENTALS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY,

**Old
Business/
CU2323
(continued)**

CONTAINING 0.26 ACRES, MORE OR LESS” (property lying on the south side of Reading Street, approximately 0.14 mile south of Old Mill Road [Route 349] and is Lot 45 within the Banks Acres Subdivision) (911 Address: 31631 Reading Street, Millville) (Tax Parcel: 134-12.00-1198.00) filed on behalf of Leslye Brossus

The County Council held a Public Hearing on the application at its meeting of November 15, 2022. At that time, Council deferred action for further consideration.

**M 280 23
Adopt
Ordinance
No. 2928
/CU2323**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to Adopt Ordinance No. 2928 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A TREEHOUSE AND YURT TO BE UTILIZED FOR SHORT-TERM RENTALS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.26 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning and Zoning Commission as follows:

- 1. This Application is for a treehouse and yurt as short-term vacation rental units in addition to the existing house on the property.**
- 2. With the conditions and limitations included in this recommendation, it will not adversely affect neighboring properties or roadways.**
- 3. No parties appeared in opposition to this Application.**
- 4. This recommendation is subject to the following conditions:**
 - a. There shall be no more than one treehouse and one “yurt”-style structure on this property in addition to the existing mobile home. A “yurt” is a semi-permanent tent-like structure built upon a permanent platform. This use shall be considered a tourist home under the Code and neither the yurt nor the treehouse shall have kitchen facilities.**
 - b. The location of the yurt and treehouse, along with the bathroom facilities, shall be shown on the Final Site Plan.**
 - c. There shall be at least one on-site parking space designated for each structure in addition to the two spaces required for the existing home. These shall be shown on the Final Site Plan and clearly marked at the site itself.**
 - d. The yurt, treehouse, and bathroom facilities shall be screened from the view of neighboring properties and roadways by a vegetative buffer. The location, dimensions, and plantings of this buffer shall be shown on the Final Site Plan.**
 - e. One small unlighted sign shall be permitted. It shall not exceed 8 square feet in size.**
 - f. All trash receptacles shall be screened from the view of neighboring properties and roadways. The location of these receptacles shall be shown on the Final Site Plan.**
 - g. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

M 280 23
Adopt
Ordinance
No. 2928
/CU2323
(continued)

Motion Adopted: 4 Yeas, 1 Nay
Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Nay;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

Old
Business/
CU2325

Under Old Business, Mr. Whitehouse presented a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CAMPGROUND TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 30.76 ACRES MORE OR LESS” (property lying on the northeast side of Jay Patch Road [S.C.R. 376A], approximately 0.5-mile southeast of Pepper Road [S.C.R. 376]) (911 Address: N/A) (Tax Parcel: 533-9.00-58.00) filed on behalf of David & Sandra Blank

The County Council held a Public Hearing on the application at its meeting of January 24, 2023. At the conclusion of the Public Hearing, Council deferred action on the application for further consideration.

M 281 23
Approve
CU2325/
DENIED

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to Adopt a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CAMPGROUND TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 30.76 ACRES MORE OR LESS” for the reasons and conditions given by the Planning and Zoning Commissions.

Motion DENIED: 5 Nays
Vote by Roll Call: Mrs. Green, Nay; Mr. Schaeffer, Nay;
Mr. Hudson, Nay; Mr. Rieley, Nay;
Mr. Vincent, Nay

The Motion was denied for the reasons provided by Council Member Hudson.

Old
Business/
CU2366

Under Old Business, Mr. Whitehouse presented a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GROUP HOME FOR MORE THAN 10 PEOPLE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 17.26 ACRES, MORE OR LESS” (property lying on the north side of Boyce Road [S.C.R. 547], approximately 0.15 mile east of Neals School Road [S.C.R. 553]) (911 Address: 4973 Boyce Road, Seaford) (Tax Map Parcel: 531-9.00-7.03) filed on behalf of IMPACT Life, Inc.

**Old
Business/
CU2366
(continued)**

The County Council held a Public Hearing on the application at its meeting of March 28, 2023. At the conclusion of the meeting, Council deferred action on the application for further consideration.

**M 282 23
Approve
CU2366/
DENIED**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to Adopt a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GROUP HOME FOR MORE THAN 10 PEOPLE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 17.26 ACRES, MORE OR LESS" for the reasons and conditions given by the Planning and Zoning Commission.

Motion DENIED: 5 Nays

**Vote by Roll Call: Mrs. Green, Nay; Mr. Schaeffer, Nay;
Mr. Hudson, Nay; Mr. Rieley, Nay;
Mr. Vincent, Nay**

The Motion was denied for the reasons provided by Council Member Vincent.

**Old
Business/
CU2367**

Under Old Business, Mr. Whitehouse presented a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GROUP HOME FOR MORE THAN 10 PEOPLE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.86 ACRES, MORE OR LESS" (property lying on the east side of Hurdle Ditch Road [S.C.R. 290], approximately 0.28 mile north of Hollyville Road [Rt. 48]) (911 Address: 22703 Hurdle Ditch Road, Harbeson) (Tax Map Parcel: 234-10.00-69.01) filed on behalf of AtTack Addition Foundation

The County Council held a Public Hearing on the application at its meeting of March 28, 2023. At the conclusion of the Public Hearing, Council deferred action on the application for further consideration.

**M 283 23
Approve
CU2367/
DENIED**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to Adopt a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GROUP HOME FOR MORE THAN 10 PEOPLE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.86 ACRES, MORE OR LESS" for the reasons and conditions given by the Planning and Zoning Commission.

Motion DENIED: 5 Nays

Vote by Roll Call: Mrs. Green, Nay; Mr. Schaeffer, Nay;

**Mr. Hudson, Nay; Mr. Rieley, Nay;
Mr. Vincent, Nay**

The Motion was denied for reasons provided by Council Member Rieley.

A Public Hearing was held on the Suncrest Annexation into the Sussex County Unified Sanitary Sewer District (Angola Area).

**Public
Hearing/
Suncrest
Annexation
into
SCUSSD**

John Ashman, Director of Utility Planning and Design reported that County Council approved permission to prepare and post notices on April 25, 2023, for the expansion. The Engineering Department had received a request from Davis, Bowen and Friedel, Inc. on behalf of their client WV3, LLC the owners/developers of a project to be known as Suncrest formerly Marsh Homestead. The request includes parcel 243-12.00-22.31 and the project is proposed at 36 single family homes and has received preliminary subdivision approval.

The project will be responsible for System Connection Charges in place at prior to issuance of connection permits and subject to an Infrastructure Use Agreement. The Engineering Department advertised May 31, and June 7 and on the County webpage. The area was posted on May 16, and to date, there has been no correspondence either in support or opposition to the annexation.

There were no public comments.

The Public Hearing and public record were closed.

**M 284 23
Adopt
Resolution
No. R 013
23/Suncrest
Annexation
into
SCUSSD**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to Adopt Resolution No. R 013 23entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) ANGOLA NECK AREA, TO INCLUDE THE SUNCREST AREA, ON THE SOUTH SIDE OF CAMP ARROWHEAD ROAD AND THE SOUTH SIDE OF WATERVIEW ROAD LOCATED IN THE INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**SCHTF
Recommen-**

Brandy Nauman, Director of Community Housing and Development presented Housing Trust Fund award recommendations for Council’s consideration. Mrs. Nauman reported that the second round of funding was opened on April 3, 2023, and closed on May 1, 2023. During that period, eight applications were received. On June 7, 2023, the SCHTF Advisory

ation Board met to review the applications. After review of the Advisory Board, four applications are being recommended for funding. Mrs. Nauman reported that it is a total of 156 units that would be supported by ARPA funding through the Housing Trust Fund and a total of 163 affordable units in Sussex County.

M 285 23
Approve
SCHTF
Recommen-
dation A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, be it moved based on the recommendation of the Sussex County Housing Trust Fund Advisory Committee that Sussex County award grants of \$500,000 to NeighborGood Partners, Sussex County Habitat for Humanity, Leon N. Weiner & Associates and Commonwealth Development Corporation contingent on meeting American Rescue Plan Funding Act requirements.

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

CARES Act
Update Brandy Nauman, Director of Community Housing and Development presented an update on the CARES Act for Council's consideration. Mrs. Nauman explained that on September 22, 2020, County Council approved \$250,000 in CARES Act funding for eight non-profit organizations in Sussex County. All recipients were tasked with supporting the efforts of COVID-19 pandemic response and prevention through eligible public service activities.

Mrs. Nauman reported one non-profit has elected to return their award to Sussex County; they were not able to meet the requirements needed for reporting purposes. It is being recommended to reallocate the funding to LOVE, Inc. to provide additional assistance with subsistence payments.

M 286 23
Approve
CARES Act
Funding
Reallocation A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, be it moved that Sussex County Council approve the recommended reallocation of CARES Act CBDG/CB1 funding as presented.

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

Hans Medlarz, County Engineer presented a sprint lease agreement extension for the Dewey Tower for Council's consideration.

Dewey
Tower/
Sprint Lease A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, the Sussex County Engineering and Finance Department recommend approval of the first amendment to the personal communication system PCS site agreement.

M 287 23
Approve
Dewey
Tower/
Sprint Lease

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

Mrs. Jennings presented grant requests for Council's consideration.

Grant
Requests

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to give \$3,000 (\$3,000 from Mr. Rieley's Councilmanic Grant Account) to the Town of Georgetown for their outreach program.

M 288 23
Town of
Georgetown

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to give \$2,000 (\$2,000 from Mr. Vincent's Councilmanic Grant Account) to the City of Seaford for the Nanticoke Riverfest event.

M 289 23
City of
Seaford

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give \$750 (\$750 from Mr. Vincent's Councilmanic Grant Account) to Blades Police Department for their National Night Out.

M 290 23
Blades
Police
Department

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

Introduction
of Proposed
Ordinance

Mr. Schaeffer introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONVENIENCE STORE AND GAS STATION TO BE LOCATED ON A 3.35 ACRE PORTION OF CERTAIN PARCELS OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 17.24 ACRES, MORE OR LESS" filed on behalf of Royal Farms

The Proposed Ordinance will be advertised for a Public Hearing.

There were no Council member comments.

**Council
Member
Comments**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to adjourn at 10:37 a.m.

**M 291 23
Adjourn**

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Respectfully submitted,

**Tracy N. Torbert
Clerk of the Council**

{An audio recording of this meeting is available on the County's website.}